

REMARKS

The present amendment is presented prior to prosecution on the merits and entry of the foregoing amendments is kindly requested.

The foregoing amendments are being made in order to more clearly and completely claim what Applicant regards as the invention. In the Advisory Action mailed September 10, 2004, the examiner refused to enter the amendments submitted on July 12, 2004, stating that they raised new issues that would require further consideration and/or search, and reasserted the reasons for rejection set forth in the Office Action dated April 7, 1004. A Notice of Appeal was filed September 7, 2004.

In the present amendment, claims 1, 5, 6 and 10-23 have been cancelled and new claims 24-29 have been added. Of the foregoing claims, claims 24, 25 and 26 are independent.

Claims 24, 25, and 26 all recite a card (claims 24 and 26) or transceiver (claim 25) for communicating to and from a personal computer through a very small aperture terminal (VSAT). In addition all of these independent claims recite that data is transmitted from the card or transceiver to an earth-orbiting satellite via the VSAT, and that the VSAT includes an upconverter and power amplifier.

All of the rejections in the Office Action of April 7, 2004, relied on Naiff (U.S. Patent No. 5,982,363). That Office Action asserted that Naiff teaches a card that receives data from the user and transmits data to the television service provider by an RF return path using telephone connection or satellite transceiver, and cites to col. 5, lines 10+ and figures 3-4. The Office Action also relies on column 6, lines 29+ for teaching transmitting radio frequency signals to a satellite.

Column 5, lines 8-16 recite:

“Television signals are provided via a cable television feed 10. It is noted that although a cable television implementation is illustrated, the signals communicated via input cable 10 could just as easily come via a satellite or MMDS television distribution

system. The signals could also be received via fiber optic cable or copper wires from an alternative television signal supplier such as a local telephone company. A cable television company may also provide signals directly over a fiber optic cable.” (emphasis added).

As the emphasized portions of the foregoing passage of Naiff make clear, Naiff simply teaches that the card from a satellite may receive information. This portion of the Naiff patent does not support transmitting information via satellite. The next paragraph of Naiff further recites:

“A notch filter 12 is placed in series with the incoming television signals to prevent signals from a personal computer 20 via lines 16 and 14 and/or from a user interface module 24 via lines 18 and 14 from being transmitted to the cable system outside of a user (“subscriber”) premises.”

The notch filter 12 is used to prevent information from being transmitted outside of a user premises, thus emphasizing that information is not transmitted to the satellite.

Column 6, lines 27-33 recite:

“A telephone connection 28 is provided in a conventional manner so that the PC 20 can communicate with the Internet via a standard modem. Alternatively, communication with the Internet and/or the television service provider can be accommodated by an RF return path via coaxial or optical fiber cables 16, 10. Such RF return paths are well known in the art.”

This portion of Naiff is not a teaching of communicating radio frequency signals to a satellite as asserted in the Office Action of April 7, 2004. As column 5, lines 8-18 make clear the Naiff contemplates receiving information via, satellite, a multichannel multipoint distribution system (MMDS), fiber optic cable or copper wires from an alternative television signal supplier

such as a local telephone company. While information can be transmitted upstream from a television set top box or personal computer, as set forth in Naiff, such transmission is limited to transmission over cable fiber optic cable or telephone connection. It is important to note that Naiff is directed to a personal computer-based set-top converter for television services. The Background of the Invention further recites that “[t]he present invention relates to subscription television services which may be provided by cable or satellite, and more particularly to a television interface which may be provided as a personal computer (PC) peripheral that enables a PC to receive, select and process television signals for use by a conventional television appliance such as a television set, VCR, or the like.”

At the time of Naiff, and to the present time, in satellite-based television services, a subscriber can only receive information via satellite and cannot communicate upstream via satellite. Upstream communication must be accomplished via an alternate communication path, such as telephone, as shown by telephone connection 28 in Figures 4 and 7 of Naiff. Consequently Applicant submits that Naiff does not teach transmitting from a personal computer to a satellite.

The new independent claims further recite a very small aperture terminal (VSAT). Applicant submits that Naiff does not teach such VSATs. All of the independent claims recite that data is transmitted from the card or transceiver to an earth-orbiting satellite via the VSAT, and that the VSAT includes an upconverter and power amplifier. Naiff does not teach or suggest these features. Furthermore, Applicant submits that these features are not taught by the art of record and therefore are patentable. Therefore, favorable consideration on the merits is respectfully requested.

Although no extension of time are deemed to be required, the Patent Office is authorized to charge Deposit Account No. 19-0733 any fees necessary, except the Issue Fee, to maintain

Appl. 09/274,953
Preliminary Amendment dated February 7, 2005

dependency of the present application. If any issues remain which can best be solved by a personal telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

Respectfully submitted,



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Dated: February 7, 2005